



New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective Date:
Title	10	Human Services	
Chapter	127	Manual Of Requirements For Residential Child Care Facilities	3/27/2009
Subchapter:	6	Program Requirements	
Section	15	Search and seizure of weapons and contraband (N.J.A.C. 10:127-6.15)	

§10:127-6.15 Search and seizure of weapons and contraband

(a) Facilities may conduct searches for weapons or contraband, provided that they maintain on file in the facility written policies and procedures that are consistent with the requirements of this chapter.

1. The facility shall define contraband to include illegal drugs, unauthorized property, stolen property or items otherwise obtained illegally.

2. The facility shall post the policy in an area conspicuous to children, explain the policy and distribute copies of the written policy to children and their parents upon admission and when changes are made to the policy.

3. The facility shall specify the actions that it will take when weapons or contraband are found.

(b) The facility shall prohibit all staff members, consultants and volunteers from strip searching a child for any reason.

(c) The facility shall permit frisk searches (surface searches of the outer clothing) of a child only when there is reasonable suspicion that the child is in possession of a weapon.

1. The facility shall prohibit staff members from reaching into a child's pockets unless the frisk search confirms the reasonable belief that the child is in possession of a weapon.

2. The facility shall not frisk search a child who is suspected of possessing contraband other than a weapon, but may frisk search a child who is suspected of possessing illegal drugs when:

- i. The facility has met the requirements, as specified in (d) below;

- ii. The child refuses to empty his or her pockets or belongings; and

iii. The police refuse to respond to the facility's request to conduct a lawful search.

3. The facility shall not frisk search a child who is suspected of possessing contraband other than a weapon or illegal drugs.

4. The facility shall ensure that a frisk search is conducted:

i. In the presence of two staff members, one of whom has supervisory or administrative responsibilities in the facility; and

ii. Only by staff members of the same sex as the child. If same sex staff members are not available, staff members shall provide one-to-one supervision of the child, until the search can be properly conducted.

5. The facility may choose to use an electronic "wand" or other similar noncontact device on a child who is suspected of possessing a weapon.

i. The facility shall obtain written approval from the Bureau for the use of an electronic "wand" or other noncontact device prior to its use with children;

ii. The facility shall maintain on file a written policy that outlines the use of an electronic "wand" or other similar noncontact device;

iii. The facility shall inform children and parent(s) that an electronic "wand" or other similar noncontact device may be used to search for a weapon; and

iv. All staff members who use an electronic "wand" or other similar noncontact device shall be instructed in its use.

(d) When the facility has reasonable suspicion that a child is carrying illegal drugs or other contraband in a garment, pocket, purse, or other possession within the child's immediate control, the facility shall ensure that the staff member:

1. Asks the child to empty voluntarily any garment, pocket, purse or other possession;

2. Inspects all such items that are in plain view; and

3. If necessary, summons a law enforcement officer to conduct a lawful search of the possessions within the child's immediate control whenever the child refuses a voluntary search by the facility staff member.

(e) If a facility has reasonable suspicion that a child's room or other possessions not within a child's immediate possession or control contain contraband, stolen property or weapons, the facility may conduct an unannounced search if:

1. The facility has explained and documented this practice to the child and his or her parents, as specified in N.J.A.C. 10:127-3.2 and 3.6;

2. The search is conducted in the presence of two staff members, one of whom has supervisory or administrative responsibility; and

3. The facility allows the child an opportunity to be present during a search. If the child declines the opportunity, the staff members may conduct the search in the child's absence.

(f) When unannounced room searches occur, as specified in (e) above, the facility shall verify which child is responsible for any weapon or contraband brought into the facility before imposing a disciplinary action or sanction on the child.

(g) Before a facility conducts a blood or urine screening on a child to determine substance abuse, the facility shall ensure that:

1. Substance abuse screenings are conducted only under the following limited circumstances:

- i. When screening is ordered by the court;
- ii. When the facility is specifically designated as a drug treatment